

REMARKS

Claims 1-48 are pending, with claims 9, 17, 33, and 41 being independent. Claims 1-8, 25-32 have been withdrawn. Claims 9, 11, 12, 13, 15, 16, 17, 19, 20, 23, 24, 35, 36, 39, 40, 43, 44, 47, 48 have been amended. New claim 49 has been added. No new matter has been added. Support for claim 49 can be found in at least pages 20-24 of the specification.

Claim Objections

Claim 13 is objected to for being in improper dependant form. Applicants have amended claim 13 to correct the dependency. Applicants therefore respectfully request that the Examiner withdraw the objection.

35 U.S.C. § 112, ¶ 2 Rejections

Claims 11-12, 15-16, 19-20, 23-24, 35-36, 39-40, 43-44, and 47-48 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Applicants have amended claims 11-12, 15-16, 19-20, 23-24, 35-36, 39-40, 43-44, and 47-48 to correct the noted informalities. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 11-12, 15-16, 19-20, 23-24, 35-36, 39-40, 43-44, and 47-48.

35 U.S.C. § 101 Rejections

Claims 9-24 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended independent claims 9 and 17 to clarify that the methods are "computer-implemented" and therefore statutory subject matter. Claims 10-16, and 18-24 are dependent on claims 9 and 17 and are therefore also statutory subject matter. Applicants respectfully request that the Examiner withdraw the rejections and allow claims 9-24.

35 U.S.C. § 103(a) and 35 U.S.C. § 102(e) Rejections

Claims 9-16, 19-20, 23-24, 33-40, 43-44, and 47-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blaser (US Patent No. 6,757,661). Claims 17-18, 21-22, 41-42 and

45-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by Blaser. Applicants respectfully disagree. Claim 9 contains features that are neither described nor suggested by the prior art of record. For example claim 9 recites:

A computer implemented method for determining a score of an ad, the method comprising:

- a) accepting local time of interest information associated with a request, the request generated in response to user input from an end user;
- b) determining whether the ad has local time of interest price information corresponding to the local time of interest information accepted; and
- c) if it is determined that the ad has local time of interest price information corresponding to the local time of interest information accepted, then determining the score using at least the local time of interest price information

Applicants respectfully submit that Blaser fails to disclose or suggest **determining the score using at least the local time of interest price information**. In the rejection to the claims, the Examiner admits that Blaser fails to teach or suggest such a feature. However, the Examiner states that it would have been obvious to use "to modify Blaser to include price information in addition to the performance information already disclosed" (Office Action, page 10). Applicants respectfully submit that Blaser makes no description whatsoever of determining a score for an advertisement using local time of interest price information, nor would it be obvious to do so since Blaser makes no mention of local time of interest price information associated with any of the advertisements. Because Blaser makes no mention of local time of interest information associated with any of the advertisements, it cannot possibly teach or suggest determining a score using at least the local time of interest price information.

Because Blaser fails to disclose or suggest each and every feature of claim 9, it cannot possibly anticipate or render obvious claim 9. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 9.

Independent claim 17 includes the feature of **determining the score using at least the local time of interest price information**. Applicants respectfully submit that Blaser fails to disclose or suggest such a feature. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 17.

Independent claim 33 includes the feature of **means for determining the score using at least the local time of interest price information if it is determined that the ad has local time of interest price information corresponding to the local time of interest information accepted**. Applicants respectfully submit that Blaser fails to disclose or suggest such a feature. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 33.

Independent claim 41 includes the feature of **means for determining the score using at least the local time of interest performance information if it is determined that the ad has local time of interest performance information corresponding to the local time of interest information accepted**. Applicants respectfully submit that Blaser fails to disclose or suggest such a feature. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 41.

Claims 10-16, 18-24, 34-40, 42-48 are all variously dependent on independent claims 9, 17, 33, and 41 and are therefore allowable for at least the reasons given above for the independent claims. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 10-16, 18-24, 34-40, 42-48.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant submits that all claims are in condition for allowance.

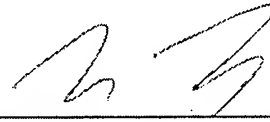
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Please apply the required charge for the added independent claim fee and any other charges or credit to Deposit Account No. 06-1050 referencing Attorney Docket No.16113-0767001/GP-141-00-US.

Respectfully submitted,

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